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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Case No. VN-2009-1437

CHRISTINA EILEEN HILL
540 West Arrow Hwy., Apt. E
Upland, CA 91786

Vocational Nurse License No.
VN 207598

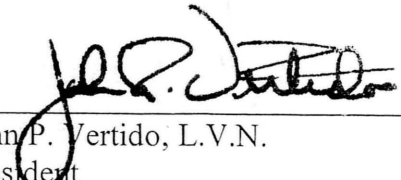
Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 26, 2011.

IT IS SO ORDERED this 27th day of July, 2011.



John P. Vertido, L.V.N.
President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2009-1437

13 **CHRISTINA EILEEN HILL**
14 **540 West Arrow Hwy., Apt. E**
Upland, CA 91786

15 **Vocational Nurse License No. VN 207598**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the
21 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her
22 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
23 State of California, by Antoinette B. Cincotta, Deputy Attorney General.

24 2. Christina Eileen Hill (Respondent) is represented in this proceeding by attorney
25 Nolan F. King, whose address is 1365 W. Foothill Blvd., Suite 2, Upland, CA 91786.

26 3. On or about January 12, 2004, the Board of Vocational Nursing and Psychiatric
27 Technicians issued Vocational Nurse License No. VN 207598 to Christina Eileen Hill

28 ///

1 (Respondent). The Vocational Nurse License expired on July 31, 2009, and has not been
2 renewed.

3 JURISDICTION

4 4. Accusation No. VN-2009-1437 was filed before the Board of Vocational Nursing and
5 Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending
6 against Respondent. The Accusation and all other statutorily required documents were properly
7 served on Respondent on October 26, 2010. Respondent timely filed her Notice of Defense
8 contesting the Accusation. A copy of Accusation No. VN-2009-1437 is attached as Exhibit A
9 and incorporated by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. VN-2009-1437. Respondent also has carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
14 and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
17 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of
19 documents; the right to reconsideration and court review of an adverse decision; and all other
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. VN-2009-1437, agrees that cause exists for discipline and hereby surrenders her Vocational
26 Nurse License No. VN 207598 for the Board's formal acceptance.

27 ///

28 ///

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Licensed Vocational Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Vocational Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Vocational Nurse License No. VN 207598 issued to Respondent Christina Eileen Hill is surrendered and accepted by the Board of Vocational Nursing and Psychiatric Technicians.

14. The surrender of Respondent's Vocational Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a Licensed Vocational Nurse in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

17. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. VN-2009-1437 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

18. Prior to filing a petition for reinstatement, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$2,250.50.

19. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. VN-2009-1437 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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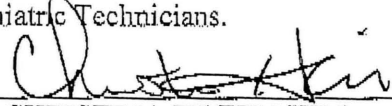
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20. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Vocational Nursing and Psychiatric Technicians's Decision and Order.

ACCEPTANCE

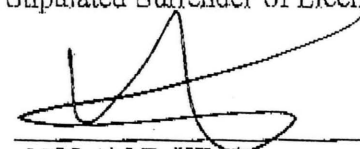
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Nolan F. King. I understand the stipulation and the effect it will have on my Vocational Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

DATED: 4/19/11


CHRISTINA EILEEN HILL
Respondent

I have read and fully discussed with Respondent Christina Eileen Hill the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4-19-11


NOLAN F. KING
Attorney for Respondent

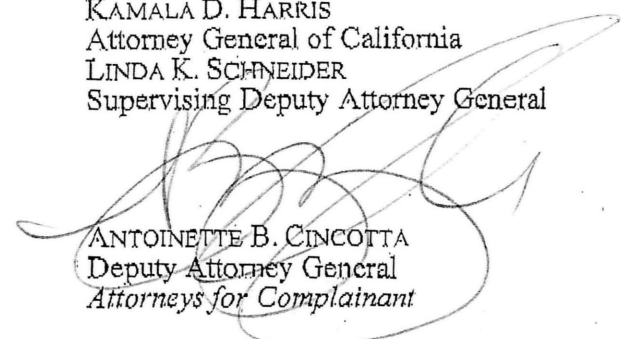
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated: 5/4/2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


ANTOINETTE B. CINCOTTA
Deputy Attorney General
Attorneys for Complainant

SD2010701761

Exhibit A

Accusation No. VN-2009-1437

FILED

OCT 20 2010

Board of Vocational Nursing
and Psychiatric Technicians

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Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-1437

**CHRISTINA EILEEN HILL
540 West Arrow Hwy., Apt. E
Upland, CA 91786**

A C C U S A T I O N

Vocational Nurse License No. VN 207598

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 12, 2004, the Board of Vocational Nursing and Psychiatric Technicians issued Licensed Vocational Nurse License Number VN 207598 to Christina Eileen Hill (Respondent). The Licensed Vocational Nurse License expired on July 31, 2009, and has not been renewed.

///

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.

All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians (Board) may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 2878 of the Code states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

" "

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.

" "

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

" "

6. Section 2878.5 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

" "

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a

1 manner dangerous or injurious to himself or herself, any other person, or the public, or to the
2 extent that the use impairs his or her ability to conduct with safety to the public the practice
3 authorized by his or her license.

4 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
5 drug, or the prescription, consumption, or self-administration of any of the substances described
6 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
7 conclusive evidence thereof.

8 " "

9 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
10 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
11 section, in which event the court order of commitment or confinement is prima facie evidence of
12 such commitment or confinement.

13 " "

14 7. Section 2878.6 of the Code states:

15 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
16 charge substantially related to the qualifications, functions and duties of a licensed vocational
17 nurse is deemed to be a conviction within the meaning of this article. The board may order the
18 license suspended or revoked, or may decline to issue a license, when the time for appeal has
19 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
20 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
21 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
22 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
23 accusation, information or indictment."

24 8. Section 482 of the Code states:

25 "Each board under the provisions of this code shall develop criteria to evaluate the
26 rehabilitation of a person when:

27 "(a) Considering the denial of a license by the board under Section 480; or

28 "(b) Considering suspension or revocation of a license under Section 490.

1 "Each board shall take into account all competent evidence of rehabilitation furnished by
2 the applicant or licensee."

3 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
4 revoke a license on the ground that the licensee has been convicted of a crime substantially
5 related to the qualifications, functions, or duties of the business or profession for which the
6 license was issued.

7 10. Section 493 of the Code states:

8 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
9 the department pursuant to law to deny an application for a license or to suspend or revoke a
10 license or otherwise take disciplinary action against a person who holds a license, upon the
11 ground that the applicant or the licensee has been convicted of a crime substantially related to the
12 qualifications, functions, and duties of the licensee in question, the record of conviction of the
13 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
14 and the board may inquire into the circumstances surrounding the commission of the crime in
15 order to fix the degree of discipline or to determine if the conviction is substantially related to the
16 qualifications, functions, and duties of the licensee in question.

17 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
18 'registration.'"

19 LICENSE EXPIRATION

20 11. Section 118, subdivision (b), of the Code provides that the expiration of a license
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
22 within which the license may be renewed, restored, reissued or reinstated.

23 12. Section 2892.1 of the Code provides, in pertinent part, that the Board may renew
24 an expired license at any time within four years after the expiration.

25 COST RECOVERY

26 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 REGULATIONS

4 14. California Code of Regulations, title 16, section 2521, states:

5 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
6 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
7 considered to be substantially related to the qualifications, functions or duties of a licensed
8 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
9 vocational nurse to perform the functions authorized by his license in a manner consistent with
10 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
11 involving the following:

12 " "

13 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
14 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
15 Business and Professions Code.

16 " "

17 15. California Code of Regulations, title 16, section 2522, states:

18 "When considering a) the denial of a license under Section 480 of the Business and
19 Professions Code, b) the suspension or revocation of a license on the ground that a licensee has
20 been convicted of a crime, or c) a petition for reinstatement of a license under Section 2787.7 of
21 the Business and Professions Code, the Board, in evaluating the rehabilitation of an individual
22 and his or her present eligibility for a license, will consider the following criteria:

- 23 (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.
- 24 (2) Actual or potential harm to the public.
- 25 (3) Actual or potential harm to any patient.
- 26 (4) Overall disciplinary record.
- 27 (5) Overall criminal actions taken by any federal, state or local agency or court.
- 28 (6) Prior warnings on record or prior remediation.

- 1 (7) Number and/or variety of current violations.
- 2 (8) Mitigation evidence.
- 3 (9) In case of a criminal conviction, compliance with terms of sentence and/or court-
- 4 ordered probation.
- 5 (10) Time passed since the act(s) or offense(s) occurred.
- 6 (11) If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code
- 7 section 1203.4.
- 8 (12) Cooperation with the Board and other law enforcement or regulatory agencies.
- 9 (13) Other rehabilitation evidence.

10 FIRST CAUSE FOR DISCIPLINE

11 (March 24, 2010, Conviction for DUI on October 16, 2009)

12 16. Respondent is subject to disciplinary action under sections 490 and 2878(a)(f) in that

13 she was convicted of a crime that is substantially related to her qualifications, functions and

14 duties as a vocational nurse. The circumstances are as follows:

15 17. On March 24, 2010, in a criminal case entitled *The People of the State of California*

16 *v. Christina Eileen Hill, a.k.a. Tina Hill*, Riverside County Superior Court Case No. RIM 542633,

17 Respondent was convicted by her plea of guilty to violating Vehicle Code section 23152(a),

18 driving while under the influence of alcohol, charged as a second offense. Respondent also

19 admitted to the prior DUI. An enhancement for having a blood alcohol content (BAC) above .15

20 percent under Vehicle Code section 23578 was dismissed.

21 18. The facts that led to this conviction are that on October 16, 2009, two California

22 Highway Patrol (CHP) officers were traveling on SR-91 close to Van Buren Boulevard, in the

23 City of Riverside, when their attention was drawn to a slower moving vehicle swerving within the

24 No. 2 and No. 3 lanes of traffic. The CHP officers pulled Respondent over and she was advised

25 of the reason for the traffic stop. Respondent stated that she was texting her boyfriend, possibly

26 causing her to swerve on the roadway. The officer that was speaking with Respondent noticed a

27 smell of alcohol emitting from Respondent's vehicle, her eyes were red, watery, and her speech

28 was slurred. When asked by the officer, Respondent responded that she had been drinking

1 alcohol earlier at two separate locations. Respondent failed the field sobriety tests and was
2 arrested. Respondent was advised of the Preliminary Alcohol Screening Device (PAS)
3 admonition and consented to the test. The PAS test yielded results of .164 at 0236 hours and .153
4 at 0238 hours. Respondent also consented to a blood test, and was transported to the Robert
5 Presley Detention Center where a blood sample was obtained and she was booked.

6 19. As a result of the conviction, Respondent was sentenced to 48 months of summary
7 probation, ordered to obey all laws, ordinances, and court order, serve 30 days in the custody of
8 the Riverside County Sheriff with credit for 1 day served, abstain from the use of alcoholic
9 beverages and not to frequent places where it is the main item of sale, pay various fines and fees,
10 not to drive without a valid driver's license, registration or insurance, not to drive after drinking
11 alcohol, complete a Drinking Driver Program, and to submit to any tests upon request of any
12 probation or law enforcement officer.

13 **SECOND CAUSE FOR DISCIPLINE**

14 (Using Alcohol to a Dangerous Extent)

15 20. Respondent is subject to disciplinary action under section 2878.5(b) in that she used
16 alcohol to an extent dangerous to herself, as described in paragraphs 17 through 19, inclusive,
17 above, and incorporated herein by reference.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Criminal Conviction involving the Consumption of Alcohol)

20 21. Respondent is subject to disciplinary action under section 2878.5(c) in that she was
21 convicted of a crime involving the consumption of alcohol, as described in paragraphs 17 through
22 19, inclusive, above, and incorporated herein by reference.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 (Confinement by a Court for Use of Alcohol)

25 22. Respondent is subject to disciplinary action under section 2878.5(d) in that she was
26 confined by a court for her use of alcohol, as described in paragraphs 17 through 19, inclusive,
27 above, and incorporated herein by reference.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Violation of Board's Statutes)

3 23. Respondent is subject to disciplinary action under section 2878(d) in that she violated
4 the Board's statutes, as described in paragraphs 17 through 19, inclusive, above, and incorporated
5 herein by reference.

6 **OTHER MATTERS**

7 24. To determine the degree of discipline to be imposed, if any, pursuant to title 16,
8 California Code of Regulations, section 2521, Complainant alleges that February 24, 2000,
9 Respondent was convicted of driving while under the influence of alcohol in *People of the State*
10 *of California v. Christina Eileen Hill*, Orange County Superior Court Case No. CH00CM00901.
11 Respondent was placed on informal probation for three years. She was ordered to violate no
12 laws, not drive a vehicle with a measurable amount of alcohol in her system, submit to chemical
13 testing on demand, not driving without a valid California's license in her possession, not drive
14 without valid insurance, pay fines and fees, enroll in and complete First Offender Program. Her
15 driver's license was also restricted for 90 days.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Licensed Vocational Nurse License Number VN 207598, issued to Christina Eileen Hill;

2. Ordering Christina Eileen Hill to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: October 26, 2010


TERESA BELLO JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant